

HOUSE BILL 1639

By Dennis

AN ACT to amend Tennessee Code Annotated, Title 29,
Chapter 34, Part 2, relative to damages.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated Title 29, Chapter 34, Part 2, is amended by adding the following as a new, appropriately designated section:

29-34-208.

(a) The plaintiff in a personal injury action may introduce into evidence only the amount of medical expenses actually paid by the defendant or defendant's insurer and not the amount charged by the health care provider if the defendant or the defendant's insurer pays medical bills incurred by the plaintiff within thirty (30) days after receiving:

(1) A copy for the bills incurred in connection with medical treatment received in the incident that gave rise to the litigation; and

(2) A written demand for payment of the bills.

(b) Subsection (a) applies only if the payment made by the defendant or defendant's insurer relieves the plaintiff and any guarantors of the medical bill obligation of all liability for the bills submitted under subdivision (a)(1).

(c) The plaintiff in a later wrongful death action may introduce into evidence only the amount of medical expenses actually paid by the defendant or defendant's insurer and not the amount charged by the health care provider if the defendant or the defendant's insurer pays medical bills incurred by a decedent in a wrongful death action within thirty (30) days after receiving:

(1) A copy for the bills incurred in connection with medical treatment received in the incident that gave rise to the litigation; and

(2) A written demand for payment of the bills.

(d) Subsection (a) applies only if the payment made by the defendant or defendant's insurer relieves the decedent's estate and any guarantors of the medical bill obligation of all liability for the bills submitted under subdivision (a)(1).

(e) Introduction into evidence of the amount of medical expenses actually paid by a defendant or a defendant's insurer pursuant to subsection (a) or (c) shall conclusively establish that the expenses so paid were necessary and reasonable.

(f) If medical expenses are paid by a defendant or a defendant's insurer pursuant to subsection (a) or (c), then the plaintiff shall have the option of introducing evidence that the expenses were paid to the plaintiff's health insurance company or health care provider and not paid to or received by the plaintiff.

(g) If a defendant or a defendant's insurer refuses to pay medical bills submitted pursuant to subsection (a) or (c), then a prevailing plaintiff shall be entitled to recover prejudgment interest for all medical expenses later recovered.

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it.